

Appl. No. 09/678,169
Amdt. dated July 21, 2005
Reply to Office action of April 1, 2005

Docket No. 10407-969

REMARKS/ARGUMENTS

In response to the Office Action mailed April 1, 2005, the cited references have been reviewed, and the Examiner's claim objections and rejections have been considered. Applicants specifically traverse all objections and rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections under 35 U.S.C. § 103(a) – Claims 31 and 34-37

The Examiner rejected claims 31 and 34-37 under 35 USC §103(a) as being unpatentable over Lucero (U.S. Patent No. 5,038,022) in view of Capers (U.S. Patent No. 4,669,596) further in view of Perrie et al (U.S. Patent No. 6,173,955). The Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 31 and 37 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

The Examiner contends that Lucero teaches all the elements in the recited independent claims except for the process used to adapt or to create a gaming machine having a card reading embodiment. To make up for the deficiency, the Examiner cites Capers as disclosing a method for retrofitting gaming machines to accept coded cards, as disclosed by Lucero. Furthermore, the Examiner cites Perrie as disclosing a gaming machine wherein a cash-out button serves the dual purpose of being able to cash out coins, as well as, credit a smart card.

In response, the Applicants respectfully submit that Lucero, Capers, and Perrie, either alone or in combination, fail to teach or suggest all the elements recited in the claims. As discussed in the Examiner Interview of June 29, 2005, it is respectfully submitted that the combination of these references fails to disclose "an interception and emulation unit" as recited in the claimed invention. To briefly summarize, the interception and emulation unit allows a cash-less transaction system to communicate with a game processor without requiring reconfiguration of the processor or associated firmware. To avoid the costly process of retrofitting the gaming machine for cash-less gaming, signals sent to and from the game

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processor to cash-less transaction devices are intercepted and emulated by the interception and emulation unit to "trick" the processor into believing that a certain condition has been satisfied with respect to the cash-less transaction devices.

More specifically, it is respectfully submitted that Lucero does not disclose an interception and emulation unit because Lucero's gaming machine is designed, at the outset, to have both cash and cashless transaction units. Accordingly, the Lucero gaming machine does not require the retrofitting of an interception and emulation unit to allow cashless gaming because Lucero's gaming processor is designed to accommodate both coin and non-coin wagers. That is, the game processor of Lucero does not need to be tricked into thinking that a non-coin wager is a coin wager. Likewise, Perrie does not teach a gaming device wherein a cash-less transaction system is retrofitted to the gaming machine. Because the gaming devices disclosed in Lucero and Perrie are not retrofitted with a cashless transaction system, they do not require nor disclose "an interception and emulation unit" as recited in claims 31 and 37.

While Capers teaches that a vending machine may be retrofitted with a coded card system, the Capers reference does not disclose "the interception and emulation unit" as recited in independent claims 31 and 37. Furthermore, Applicants submit that it is not axiomatic that Capers teaches or discloses an interception and emulation unit as submitted by the Examiner. The Applicants submit that the Capers reference does not require that signals from the coded card system need to be intercepted and/or emulated. That is, a signal from coded card system does not need to be intercepted and sent out as a "coin" signal, but rather the signal from the coded card system is directly transmitted to the dispensing means to vend a product. Thus, there is no need, suggestion, or motivation to create the interception and emulation unit of the claimed invention.

More specifically, Capers teaches that "when coins in an appropriate amount are placed in the receiving slot of the money handling unit, the controller relay thereof momentarily closes and causes a voltage to be applied to the terminal, via the plug and socket interconnects, to a first input terminal of the item dispensing unit. The presence of voltage at such a location causes the item dispensing unit to release an item from its storage position." (See Col. 3, lines 50-60). Capers further teaches that the coded card accessory is interconnected between the plug of the

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money handling unit and the socket of the item dispensing unit. Accordingly, one concludes that the coded card accessory transmits a signal directly to the dispensing unit without intercepting or emulating the signal. Because Capers does not have a processor to control the vending of a product and the signal from the coded card system is not intercepted or emulated, it is not taught or suggested (even axiomatically) that an interception and emulation unit is required for retrofitting a vending machine with a coded card system.

Lastly, the Applicants respectfully disagree with the Examiner's characterization of the Lucero and Perrie references. More specifically, the Applicants submit that Lucero does not teach or disclose the retrofitting of an existing gaming machine for cashless gaming. With respect to Perrie, the Applicants submit that this reference does not teach or disclose a gaming machine where a player can cash out either cash or credit.

Accordingly, the Applicants respectfully submit that the 35 USC §103(a) rejection of claims 31, 34-37 has been overcome as Lucero, Capers, and Perrie, either alone or in combination, fail to teach or suggest "an interception and emulation unit" that is retrofitted to a gaming machine to provide cashless transactions.

2. Claim Rejections under 35 USC § 103(a) – Claims 32-33, 38-39

With respect to claims 32-33 and 38-39, the Examiner asserts that these claims are unpatentable over Lucero in view of Capers, further in view of Perrie, and further in view of Crevelt (U.S. Patent No. 5,092,983). The Examiner's arguments regarding Lucero, Capers, and Perrie have been discussed in Section 1 of this response. The Examiner states that Crevelt discloses "a gaming machine adapted for cashless transfer."

In response, the Applicants note that claims 32-33 and 38-39 are dependent claims that depend from independent claims 31 and 37, respectively. In light of the arguments submitted in Section 1 of this response, the Applicants respectfully submit that dependent claims 32-33 and 38-39 are not obvious in view of the combination of Lucero, Capers, Perrie, and Crevelt because these references, alone or in combination, fail to teach or suggest "an interception and emulation unit" that is retrofitted to a gaming machine to provide cashless transactions. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently

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patentable. In conclusion, the Applicants respectfully submit that the 35 USC §103(a) rejection of claims 32-33 and 38-39 has been overcome.

3. Claim Rejections under 35 USC § 103(a) – Claim 34

With respect to claim 34, the Examiner asserts that these claims are unpatentable over Lucero in view of Capers, further in view of Perrie, and further in view of Nutting et al. (U.S. Patent No. 4,093,232).

In response, the Applicants note that claim 34 is dependent claims that depend from independent claim 31. In light of the arguments submitted in Section 1 of this response, the Applicants respectfully submit that dependent claim 34 is not obvious in view of the combination of Lucero, Capers, Perrie, and Nutting because these references, alone or in combination, fail to teach or suggest “an interception and emulation unit” that is retrofitted to a gaming machine to provide cashless transactions. Moreover, this dependent claim further recites and defines the claimed invention, and thus, are independently patentable. In conclusion, the Applicants respectfully submit that the 35 USC §103(a) rejection of claim 34 has been overcome.

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CONCLUSION

Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is believed clear that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references. Therefore, reconsideration and allowance of claims 31-39 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested.

This response is timely filed and no fee is believed due with the submission of this paper. However, if the Applicant is mistaken, the Commissioner is hereby authorized to charge any required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER.

If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8323. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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